

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

MDL No. 2804

This document relates to:  
*Cabell County Commission v.*  
*AmerisourceBergen Drug Corp., et al.*  
Case No. 17-op-45053-DAP

Hon. Dan Aaron Polster

**WITHDRAWAL OF PENDING MOTIONS TO DISMISS**

On or about May 30, 2018, Cabell County Commission (“Cabell”) filed a Second Amended Complaint (“SAC”). Pursuant to Case Management Order 1 (“CMO 1”), Defendants filed motions to dismiss the SAC on or about June 8, 2018. *See, e.g.*, Doc. No. 575.

On or about June 13, 2019, Cabell and the City of Huntington filed a Joint and Third Amended Complaint, adding a new plaintiff, new defendants and over 500 paragraphs of additional allegations. *See* Doc. No. 1682.

In a submission dated November 13, 2019, the Plaintiffs’ Executive Committee (“PEC”) requested that the Court “promptly decide[]” Defendants’ motions to dismiss Cabell’s SAC. *See* Doc. No. 2935, at 8. AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, “Distributors”) were puzzled by the PEC’s request, given that the filing of the TAC mooted their motion to dismiss Cabell’s SAC.

In light of Plaintiffs’ submission, and for the avoidance of doubt, Distributors hereby withdraw their motion to dismiss Cabell’s SAC, Doc. No. 575. Distributors do so without prejudice to their right to answer or otherwise respond to the TAC upon entry of a Case Management Order establishing a schedule for the “Track 2” cases. *See, e.g.*, CMO 1 ¶ 2.j.

Dated: November 20, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Geoffrey E. Hobart, hereby certify that the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Geoffrey E. Hobart  
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